UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1994/688
9 June 1994

ORIGINAL: ENGLISH

LETTER DATED 8 JUNE 1994 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF AZERBAIJAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a letter dated 7 June 1994 from the Minister for Foreign Affairs of Azerbaijan, Mr. Hassan A. Hassanov, addressed to you (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Yashar T. ALIYEV
Chargé d'affaires a.i.

Annex

[Original: Russian]

Letter dated 7 June 1994 from the Minister for Foreign Affairs of Azerbaijan addressed to the President of the Security Council

Allow me to convey to you information on the situation that has developed with respect to the process aimed at a peaceful settlement of the conflict with the Republic of Armenia, which, in spite of numerous efforts by international organizations and individual States, is pursuing its aggression against my country. I felt that it was appropriate and necessary to do so given the distortion of the real situation by the Armenian side, which was most recently reflected in the letter dated 23 May 1994 from the Permanent Representative of Armenia to the United Nations, Mr. A. Arzoumanian, addressed to the President of the Security Council (S/1994/602). Considering it beneath my dignity to react to the very far from diplomatic tone of the letter, which is consistent with the policy of the Republic of Armenia, including its relations with my country, I wish to draw your attention to the following.

Azerbaijan has repeatedly provided tangible evidence of its commitment to the principles of the peaceful settlement of disputes and has based its approach to a settlement of the conflict between Armenia and Azerbaijan on the generally accepted norms of respect for the sovereignty and territorial integrity of States and respect for human rights. All our efforts to break the deadlock in the conflict, however, have come up against the formidable obstacle of the Republic of Armenia, which is seeking to consolidate the results of its aggression against Azerbaijan.

There is more than ample evidence of Armenia's annexationist designs on Azerbaijan. I will confine myself to mentioning the legislation enacted by the Parliament of Armenia on 1 December 1989 concerning the annexation of Nagorny Karabakh to Armenia and the decision adopted by the Parliament on 8 July 1992 on the non-acceptance by the Republic of Armenia of any international or national instrument in which Nagorny Karabakh is identified as a part of Azerbaijan. To this should be added the continuing obstruction by the Republic of Armenia of the decisions of international organizations, in particular the Conference on Security and Cooperation in Europe (CSCE) and the North Atlantic Cooperation Council, which reaffirm and support the sovereignty and territorial integrity of the Azerbaijani Republic. At the meeting of Heads of State of the Commonwealth of Independent States, held in Moscow on 15 April 1994, Armenia was alone among the 12 members of the Commonwealth in refusing to sign the declaration on the sovereignty, territorial integrity and inviolability of the frontiers of the States members of the Commonwealth.

The aforementioned acts were nothing other than political and legal aggression against a sovereign State. They were subsequently followed up by the large-scale armed aggression carried out by powerful armed groups formed by the Republic of Armenia in the territory of Azerbaijan and centred on the Nagorny Karabakh region, which, following the capture of the Lachin district of Azerbaijan in May 1992, has virtually been annexed to Armenia. Following the

capture of Shusha and the expulsion of some 50,000 Azerbaijani inhabitants from 53 Azerbaijani settlements in Nagorny Karabakh, the Armenian armed forces, using their bridgehead in Nagorny Karabakh, went on to occupy several other Azerbaijani districts, representing 20 per cent of the national territory.

The occupation has been accompanied by massive ethnic cleansing directed against the Azerbaijani inhabitants. At the present time, as a result of the aggression committed by the Republic of Armenia, more than a million Azerbaijanis (nearly 15 per cent of the total population) are suffering terrible hardships in the tent cities that have been set up to accommodate the refugees and displaced persons. Earlier, in 1988 and 1989, the massive deportation of 200,000 Azerbaijanis concentrated in the Geicha-Zangezur district of the Republic of Armenia was carried out.

Even today, in pursuing its efforts to realize its annexationist designs, the Republic of Armenia is carrying out a programme for the resettlement of Armenians in what the President of Armenia has termed the "temporarily captured" territories of the Azerbaijani Republic, after having first proceeded to cleanse the region of its Azerbaijani inhabitants.

We have already brought to the attention of the Security Council unambiguous evidence of direct involvement by the regular army of the Republic of Armenia in the aggression against sovereign Azerbaijan. I would only mention briefly the most recent indications of this involvement. According to military documents captured in January 1994, one of the subunits of the 555th motor rifle regiment of the armed forces of the Republic of Armenia set out from the town of Vardenis, in Armenia, and proceeded to the Kelbajar district of Azerbaijan in order to reinforce the Armenian occupying forces in that district, where the subunit was routed. The military maps captured in the fighting contain the handwritten signatures of officers of the Ministry of Defence of Armenia, including the Chief of the General Staff of the armed forces of the Republic of Armenia, Lieutenant General Andresian. One of the maps is a plan for the capture of the Kelbajar district of Azerbaijan, which was already carried out in March/April 1993. According to information in our possession, elements of the 83rd brigade of the armed forces of the Republic of Armenia are operating in the occupied Fizuli district of the Azerbaijani Republic and subunits of the brigade deployed in Vanadzor, Armenia, are controlling the Lachin district of Azerbaijan, which was captured in May 1992.

In the course of combat activities, particularly in the Fizuli and Agdam areas of Azerbaijan, units of the Azerbaijani army captured as trophies a number of T-72 main battle tanks whose factory serial numbers are identical with the numbers of tanks received by the Republic of Armenia at the time of the distribution of the military property of the former USSR in 1992. That military equipment is listed as belonging to the Republic of Armenia and is subject to all the provisions of the Treaty on Conventional Armed Forces in Europe, which has been flagrantly violated by Armenia.

The direct participation of armed forces of the Republic of Armenia in the war going on in the territory of Azerbaijan is incontrovertibly demonstrated by the Armenian military personnel captured as prisoners of war, who had been called to active military service by the military, commissariats of Armenia and

assigned to the military units of the armed forces of the Republic of Armenia, and copies of whose personal documents have been submitted to the Security Council by Azerbaijan.

The Republic of Armenia, which declares its devotion to the principles of the Charter of the United Nations and other fundamental international norms, is in actuality refusing to comply with the requirements of the well-known Security Council resolutions concerning the immediate, unconditional and complete withdrawal of Armenian armed units from all occupied Azerbaijani territories and the return of fugitives and displaced persons to their places of permanent residence. The Republic of Armenia is taking advantage of the negotiation process to gain time with a view to increasing its military presence and expansion deep into Azerbaijan. Disregarding the norms of international law, the Republic of Armenia is pursuing a policy of "fait accompli" concerning the occupied Azerbaijani territories.

The Armenian formula of "negotiations by force" is, in practice, making the settlement process counter-productive. Categorically refusing to withdraw its forces from Azerbaijan, Armenia is imposing as a condition for the liberation of occupied Azerbaijani territory - and in fact only part of that territory - the granting of status to the Nagorny Karabakh region of the Azerbaijani Republic, demanding the retention of its military potential in that region and control over the Lachin district of Azerbaijan, which amounts to strengthening the annexation of those Azerbaijani territories. In this connection, Armenia is completely rejecting the restoration of the demographic situation in the Nagorny Karabakh region to what it was before the conflict began and the return of the Azerbaijani population to those areas, including the city of Shusha, one of the oldest Azerbaijani cultural centres.

With regard to the other occupied Azerbaijani areas - those of Agdam, Fizuli, Djebrail, Kubatly, Zangelan and Kelbajar - the withdrawal of Armenian forces is being conditioned by Armenia not only on the granting of status to the Nagorny Karabakh region but also on the return only of police personnel limited by the security needs of the Azerbaijani population. This, however, would seriously infringe the security of the Azerbaijani side and call into question the actual return of the civilian population so long as the Armenian military clique remains in the Nagorny Karabakh region, or, to use a more accurate expression, occupies it militarily.

In these circumstances, the Republic of Armenia is proposing that international disengagement forces should be stationed on the perimeter of the region of the Azerbaijani Republic occupied by Armenian troops, holding those international forces hostage to its policy and thereby making them an instrument for maintaining the status quo and reinforcing the annexation of Azerbaijani territory.

There is no need for further comment on the prospects of such a process of "peaceful" settlement. Of course, any discussion of the problems, including the problem of status, after the de facto establishment by the Republic of Armenia of a mono-ethnic Armenian militaristic formation in the territory of the Azerbaijani Republic would be a one-sided discussion dominated by force.

Such negotiations are contrary to all international principles and norms. The very act of conducting peaceful negotiations with an aggressor would be tantamount to legitimatizing brute force and recognizing the annexation of territory belonging to the sovereign Azerbaijani State, a member of the United Nations. The machinery of peaceful negotiations can begin to operate during the next stage, after the aggression has been eliminated. There is no room for compromise in a matter which concerns the sovereignty and territorial integrity of a State and the rights of its nationals.

Azerbaijan is striving for peace and harmony in the region and calls upon Armenia to do so, but it will not acquiesce in blatant "arm-twisting". The war is being fought in our territory, and we have been forced to take appropriate measures in order to repel the aggression and to defend ourselves. This is an inalienable right enshrined in the Charter of the United Nations.

Nevertheless, Azerbaijan is devoted to a peaceful settlement of the conflict and is making tireless efforts to achieve it, concerning which it has informed the Security Council at the proper time. But a great deal depends on the position of the Republic of Armenia, which, continuing to obstruct the peace process, has refused to sign the Agreement for the Strengthening of the Cease-fire Regime, drawn up by Jan Eliasson, Chairman of the Minsk Group of CSCE, and signed by Azerbaijan on 20 May 1994. Notwithstanding the continuing provocative actions of the Armenian armed forces, the Azerbaijani side is continuing to observe the cease-fire.

The key factors in the settlement are the immediate, unconditional and complete withdrawal of Armenian occupation forces from the Azerbaijani Republic, the disarming and disbanding of the armed formations established by Armenia in the Nagorny Karabakh region of Azerbaijan and the return of fugitives and displaced persons to their places of permanent residence. Only after the consequences of the aggression have been eliminated will it be possible to initiate a stable and productive negotiation process with a view to achieving a peaceful settlement of the conflict.

With regard to those Armenian residents of the Nagorny Karabakh region of Azerbaijan who are nationals of the Azerbaijani Republic, our Government will be prepared to guarantee their safety and their rights under the Constitution of the Azerbaijani Republic in accordance with international norms. But that will be possible under truly peaceful conditions, on the basis of the normalization of life and the return of the expelled Azerbaijanis to the region.

I am convinced that our just position, based on the principles of the Charter of the United Nations, will receive understanding and support from you and the members of the Security Council.

(Signed) Hassan HASSANOV